

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Cook, et al.**

**Application No.: 10/601,242**

**Filed: June 20, 2003**

**For: Gapped 2'-Modified Oligonucleotides**

**Confirmation No.: 6684**

**Group Art Unit: 1633**

**Examiner: J. Epps Ford**

Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW TERMINAL DISCLAIMER  
UNDER 37 CFR §1.182**

Applicants hereby petition for withdrawal of a terminal disclaimer filed by Applicants during prosecution of the instant patent application.

On November 17, 2005, Applicants filed a terminal disclaimer over U.S. Pat. No. 6,326,199 B1 in response to a rejection dated May 17, 2005 for nonstatutory obviousness-type double patenting.

MPEP § 1490(IV) provides that “[i]f timely requested, a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a patent” and that such relief “may be available by way of petition.”

Applicants respectfully note that the claims that were the subject of the May 17, 2005 double-patenting rejection (*i.e.*, claims 59-68) have since been withdrawn from the present application (*see* Applicants’ Reply dated May 22, 2006) and are no longer pending. Applicants further note that the present application has not yet issued.

Accordingly, Applicants respectfully request withdrawal of the terminal disclaimer over U.S. Pat. No. 6,326,199 B1 filed in connection with the present application.

Please charge the petition fee of \$400.00 under 37 C.F.R. § 1.17(f) to Deposit Account No. 23-3050.

If the Examiner has any questions, the Examiner is invited to call the undersigned at (215) 568-3100.

Respectfully submitted,

Date: May 5, 2007

/Joseph Lucci/  
Joseph Lucci  
Registration No. 33,307

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12<sup>th</sup> Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439